

REMARKS / ARGUMENTS

This response is substantively identical to the response filed on 3/9/2004 with the exception that claims 1-20, canceled by a preliminary amendment, have been omitted from the claim listing. The only claims pending in this application and included in the claim listing are Claims 21-30.

Claim 21 has been amended to recite that the shiftable partition is movable *within the camera* between first and second positions. Claims 23 and 28 have been amended to recite that the partition is displaceable *within the camera*. Claims 21, 23 and 28 were rejected under 35 USC 102 as being unpatentable over Kim et al. The mask 60 of Kim et al. cannot be said to be a partition shiftable between first and second positions. This mask is merely insertable and removable from the camera, and the mask, when removed, cannot be said to be in either the first or second position *within the camera*. The mask of Kim et al. also is not displaceable *within the camera*.

The removable mask in Kim et al. is believed to be representative of a number of prior art devices which include a mask or insert that is used to adapt a single use camera or a disposable camera for use as a message camera in which a portion of the film has been pre-exposed. The "standard" camera of Kim et al. appears to be of this general type. Although this approach requires little or no modification to these relatively simple cameras, it does have several significant drawbacks. First the use of a separate mask carries with it the risk that this mask can be lost when removed for normal camera operation. The mask can also be inserted upside down unless the mask is keyed in some manner. If the wrong edge of the film is masked, double exposure of the pre-exposed section will result. Adding a keying configuration can also make it more difficult for many users to insert the mask.

The Kim reference is directed to the use of a *standard* camera that can be used to take pictures that include a pre-exposed image. See Col. 1, lines 45-50. Both the flexible strip mask and the box mask 60 of Kim can be used without further modification of a *standard* camera. The addition of even a single partition of the type shown in Ikeno would be inconsistent with the stated

purpose of using a *standard* camera. Therefore, substitution of a shiftable partition of the type shown in Ikeno would not have been obvious to one of ordinary skill in the art.

Claims 21, 23 and 28 have also been amended to recite that the remainder of the film frame aperture remains open when the partition is shifted or aligned to cover a portion of the film frame aperture along one edge. Two opposed partitions are inconsistent with this limitation.

Reliance upon Ikeno to suggest the use of a single movable partition to replace the mask of Kim et al would also be improper since it would be inconsistent with the Ikeno disclosure. As will be subsequently discussed in greater detail, the two partitions of Ikeno do not function or operate independently of one another, and one of ordinary skill in the art would not be led to use only the lower portion of the Ikeno shiftable partition.

The Ikeno reference discloses a camera that can be adjusted to change the aspect ratio of the film frame aperture between a normal photographic state and a panoramic photographic state. Ikeno is believed to be representative of a number of panoramic or pseudo-panoramic cameras of this type, which, for instance, are used to expose a 3x12 panoramic format instead of the normal 4x6 format. In order to change the aspect ratio of the exposure in this manner the film frame aperture is closed along both a top and bottom edge instead of along only a single edge. The Ikeno reference does suggest that different opening shapes can be formed by shifting the position of the shields. See Col 6., lines 58-65. However, there does not appear to be any recognition of the desirability of using a single shield as opposed to the use of a more complicated structure employing two separate shields.

Practical considerations require that a panoramic camera of the type represented by Ikeno should employ two shields, which close off both the top and bottom of the film frame aperture. It is not possible to use a single shield in Ikeno if the film exposure is to be processed using conventional equipment. Two shields coming in from both sides are necessary because, when the film exposures are processed and printed, the processing machines center the print on the page, so image should be centered on the film. If a single shield were used in Ikeno, a print that is not

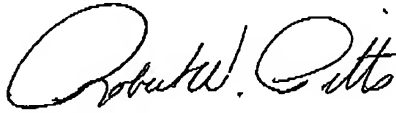
centered will, when processed, include distortions around the edges of the print. Fall off would result because the circular lens would not be centered relative to the generally rectangular exposure if the panoramic image were to be formed by a single larger partition instead of two opposed partitions. Furthermore a true panoramic camera, such as that shown in Ikeno, will require a lens change so that a panoramic lens is substituted for a regular lens when the camera is converted for panoramic use. If the panoramic lens were not centered relative to the film exposure, optical distortion, such as barrel distortion, could result. One of ordinary skill in the art would be aware of these practical considerations relevant to Ikeno and cameras convertible to panoramic operation, and the use of only a single partition would represent hindsight derived from applicant's invention. Since the use of a single shield is inconsistent with the basic purpose of the convertible camera shown in Ikeno, no suggestion or teaching of the use of a single partition or shield *in any camera* can be garnered from the Ikeno reference. The camera disclosed in Ikeno is used for an entirely different and inconsistent purpose than the camera disclosed in Kim et al. and also contemplated for the claimed invention, as well as in a different manner than in the instant invention. One of ordinary skill in the art, seeking to adapt a standard camera for use with partially pre-exposed film would not look to more complicated cameras suitable for both normal and panoramic use to solve such a problem. The two references cannot therefore be combined to reject the claims, because there is no suggestion that such references be combined for any purpose and especially for the purpose of the instant invention.

It is submitted therefore that a camera, such as that shown in Ikeno, which is intended to change the format, perspective, and size of the resultant image, would not suggest to one of ordinary skill in the art that a shiftable partition should be used in a camera to produce a normal size photograph, and not to change the size of the ultimate exposure as in Ikeno. Although the use of a shiftable partition does produce the advantageous result contemplated by the instant invention, it is submitted that a reusable camera or camera assembly as claimed herein would constitute a nonobvious, patentable contribution to the art.

Claim 27 has been amended to correct the informality noted in the Office Action.

The claims, as amended are believed to be allowable over the prior art, and therefore the application is in condition for allowance. Issuance of a Notice of Allowance in response hereto is therefore courteously solicited.

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